S.B.CRIMINAL MISC. BAIL APPLICATION NO.5383/2007
(Mangi Lal & Ors. vs. State of Rajasthan)

DATE OF ORDER : November 14, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.R.K.Charan, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

It is contended by learned counsel for the petitioner that petitioner No.3 has lodged a report against the complainant for the offence under section 498-A I.P.C. and it is the complainant party, who does not want to keep the petitioner No.3.

Learned Public Prosecutor opposes the bail application and contends that it was not the marriage but in order to take the ornaments and money from the complainant party, the marriage of petitioner No.3 was arranged; in fact, the marriage was sham and it has not been consummated; the petitioners No.1, 3 and 4 have taken away the jeweleries by deceitful means.

From perusal of the order impugned, it also appears that

earlier also the petitioners arranged such sham marriage with son of one Vakta and also took the amount in the same fashion by deceitful means. There are serious allegations against petitioners No.1, 3 and 4 and, therefore, in my view, it is not a fit case to grant anticipatory bail to petitioners them.

The bail application filed by petitioners No.1 Mangi Lal, No.3 Smt. Sumitra and No.4 Rameshwar under section 438 Cr.P.C. is, therefore, dismissed.

However, so far as petitioner No.2 Smt. Devli is concerned, there appears to be no allegation against her.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by learned counsel for the parties, I consider it just and proper to grant anticipatory bail to petitioner No.2.

Accordingly, the bail application filed by petitioner No.2 under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner No.2 Smt. Devli w/o Mangi Lal in FIR No.122/2007, Police Station, Dungla Distt. Chittorgarh, she shall be released on bail for a period till the police concludes the investigation and files the challan provided she furnishes a

personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That she shall make herself available for interrogation by a police officer as and when required;

(ii)That she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer and;

(iii)That she shall not leave India without the previous permission of the Court.

Petitioner No.2 Smt. Devli shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-